IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2485 OF 2004

Banvalikar Shrikant Vinayak ... Petitioner

versus

Jayesh @ Jaykumar B.
Umbrajkar and others ... Respondents

...

Mr. I.M. Khairdi, for the Petitioner.

...

CORAM : A.M.KHANWILKAR,J.

7th December 2004

P.C.:

. Not on Board. Upon mentioning, taken on Board.

. Heard Mr. Khairdi, for the Petitioner. The argument canvassed before this Court esentially boils down to dispute regarding payment of the requisite amount to the complainant. That cannot be the basis to quash the proceedings. Whether the payment has been made as claimed by the Petitioner or not is a

matter for trial. In case the Petitioner succeeds in establishing during the trial that payment under the cheque in question was already made, then obviously the Petitioner can be said to have discharged the onus and rebutted the legal presumption about the cheque in question. Hence, not a case for interference at this stage. Dismissed.

(A.M.KHANWILKAR,J.)